IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

W.A. No.1075 of 2002

A.V.Chinnakrishna Reddiyar ... Appellant/Petitioner

-vs-

1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-9.

2.The District Collector,
Kancheepuram District,
Kanchepuram.

3.The Special Tahsildar,
(Adi-Dravidar and Tribal Welfare)
Kancheepuram. ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 25.02.2002 made in W.P.No.10311 of 1999 on the file of this Court. WP NO. 10311/99 presented to this Court under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records of the first respondent in Government Letter No. 16227/Ni. A. 3/97-7 dated 3.5.1999 of the 1st Respondent and quash the same and consequently direct the respondents to hand over the possession of the lands in S. NO. 17/4 Part, 18/1, 18/2 and 18/3 to a told execute of 1.39 acres situated in Ammaiyappa Nallur Village, Kancheepuram District to the petitioner and to take the alternative lands offered by the petitioner.

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For Appellant : Mr.M.Venkatachalapathy,S.C.
for Mr.M.Sriram
For Respondents : Mr.C.Thirumaran,Govt.Advocate

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The writ appeal is directed against the order of the learned single Judge dated 25.02.2002, in and by which the learned Judge dismissed the writ petition.

2. Heard the learned Senior Counsel appearing for the appellant as well as the learned Government Advocate for the respondents.

3. The main grievance of the learned Senior Counsel for the appellant is that though a detailed representation has been made on 31.03.1997 willing to provide alternate land, the same has not been considered by the Government inspite of the specific direction by this Court.

4. We perused the representation of the appellant/writ petitioner as well as the order passed by the Government, which are available in the typed set of papers filed in the writ appeal. While considering the representation, the Government, after finding that the alternate land suggested by the appellant/writ petitioner is not suitable for construction of houses for the Harijans, declined to accept the same. No doubt, in the impugned letter dated 03.05.1999, the Government has stated that it was not agreeable by the beneficiaries. However, it is clear that apart from the fact that the alternate land is not suitable for construction of houses for the Harijans, the Government, after getting the report from the officers, has concluded that the land is surrounded by bushes and there is one Church within the same area which cannot be cleared. After satisfying itself based on the materials placed, the Government ultimately rejected the representation made by the appellant/writ petitioner.

5. Though the learned single Judge has not adverted to the reasonings of the Government, on going through the impugned order, particularly, in the light of the representation, we are unable to accept the claim made by the appellant. On the other hand, we are in agreement with the said conclusion. Further, it is not in dispute that in a matter like this, it is the Government which has to decide whether the alternate land is suitable or

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acceptable. Based on the report, a decision was taken by the Government that the alternate site offered by the appellant/writ petitioner is not acceptable, in addition to other reasons mentioned therein. Hence, we are of the view that the same cannot be interfered with by this Court. The writ appeal fails and accordingly, the same is dismissed. No costs.
gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-9.

2.The District Collector,
Kancheepuram District,
Kanchepuram.

3.The Special Tahsildar,
(Adi-Dravidar and Tribal Welfare)
Kancheepuram.

+ one cc to Mr. M. Sriram, Advocate sr no. 44108
+ one cc to the Government Pleader sr no. 44147

PV(CO)
NM(28.09.2006)

W.A.No.1075 of 2002

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